

**DECLARATION AND  
POWER OF ATTORNEY  
FOR PATENT APPLICATION**

Attorney Docket Number 4002-3240/PC860.00

First Named Inventor Fred J. Molz, IV

COMPLETE IF KNOWN

Application No. New

Declaration submitted with Initial Filing

Declaration submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Filing Date January 15, 2004

Group Art Unit

Examiner's Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SPINAL IMPLANT CONSTRUCT AND METHOD FOR IMPLANTATION**

*(Title of Invention)*

The specification of which

is attached hereto  
OR

was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States Application Number or PCT

International Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | Yes                      | No                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
|                       |                          |  |
|                       |                          |  |
|                       |                          |  |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| US Parent Application or<br>PCT Parent Application Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|---|------------------------------------|---|
|   |                                    |   |
|   |                                    |   |

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer Number 30565  
OR  
 Registered practitioner(s) name/registration number listed below.

| Name  | Registration Number                            | Name      | Registration Number |
|---|--|-----------|---------------------|
| Brad A. Schepers  | 45,431   |           |                     |
| <input checked="" type="checkbox"/> Additional registered practitioner(s) named on supplemental Registered Practitioner Information Sheet PTO/SB/02C attached hereto.   |  |           |                     |
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number <span style="border: 1px solid black; padding: 2px;">30565</span> <input type="checkbox"/> OR <input type="checkbox"/> Correspondence address below |  |           |                     |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| NAME OF SOLE OR FIRST INVENTOR:           |                         |                           |                 |
|---|-------------------------|---------------------------|-----------------|
| Given Name<br>(first and middle [if any]) | Fred J.                 | Family Name<br>or Surname | Molz, IV        |
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| DECLARATION             |                     | Registered Practitioner Information<br>(Supplemental Sheet) |                     |
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| L. Scott Paynter        | 39,797              |   |                     |
| Charles J. Meyer        | 41,996              |   |                     |
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| Gregory B. Coy          | 40,967              |   |                     |
| Lisa A. Hiday           | 40,036              |   |                     |
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| Scott J. Stevens        | 29,446              |   |                     |
| James B. Myers          | 42,021              |   |                     |
| John M. Bradshaw        | 46,573              |   |                     |
| Quentin G. Cantrell     | 47,469              |   |                     |
| Charles P. Schmal       | 45,082              |   |                     |
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| Denise M. Gosnell       | 51,748              |   |                     |
| Jason A. Houdek         | 54,620              |   |                     |
| Michael S. Wherry       | 53,764              |   |                     |
| Michael C. Bartol       | 44,025              |   |                     |
| Gary M. Gron            | 24,293              |   |                     |
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